Single Bench (A)

CF 1002

S.B. (Service Matter)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(CHHATTISGARH)

WRIT PETITION NO. 7188 /2006.

PETITIONER: Harish Chandra Behra S/o Sudarshan Behra, aged about 38 years, Asst. Teacher Govt. Girls High School, Garghoda, Dist. Raigarh, Chhattisgrah.

Respondents

1. State of Chhattisgarh, Through The Secretary School Education Department Ministry D.K.S.Bhawan, Raipur, Chhattisgarh.
2. The District Education Officer, Raigarh, Chhattisgarh
3. The Block Education Officer, Raigarh, Chhattisgarh.

P.R. No. 6653/06
Presented on 22-11-06
dated

WRIT PETITION UNDER ARTICLE 226/~~227~~ OF THE CONSTITUTION OF INDIA

ED-COPY

XI-HC-78

(64)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP...7188/06. **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

02.01.2007

Shri O.P. Sahu, learned counsel for the petitioner.
Smt. Sunita Jain, learned P.L. for the State/respondents

By this petition under Articles 226/227 of the Constitution of India, the petitioner seeks a direction to the respondents to pay the increments and seniority on the basis of the date of his initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No. 1452/1998 (Harish Chandra Singh and others Vs. State of M.P. and others) dated 31.1.2000

2. Learned counsel appearing for the petitioner placed reliance on the order dated 3rd October 2006 passed by this Court in Writ Petition (S) No. 5473/2006 (Rakesh Kumar Sharma and another Vs. State of Chhattisgarh and others) and in Writ Petition (S) No. 5474/2006 (Jai Nath Bajpai Vs. State of Chhattisgarh and others) and submits that the petitioner is similarly situated, therefore, the similar order may be passed.

3. The case of the petitioner is that he was appointed as Assistant Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioner was regularized but, he was not given the regular pay scale from the date of his initial appointment. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal vide order dated 31.1.2000 allowed the same. The petitioner made several representations to accord the same treatment as he was also similarly

मामला क्रमांक W.P.(S)/1881/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

situated, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioner and same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31.1.2000, to which learned counsel for the respondents/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioner appears to be reasonable. Therefore, the petitioner is allowed to make a representation within a period of two weeks from today to respondent No.1, raising all his grievances and respondent No.1 ,in turn, shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioner and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in Original Application No. 1452/1998.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

7. Certified copy as per rules.

Sd/-
Dhirendra Mishra
Judge

P.T.O.